**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**

**THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929**

**WP(C).No. 118 of 2004(L)**
**----------**

**PETITIONER:**
**----------**

**KUNHALAVI, S/O. MOIDUKUTTY HAJI,**
**KALLUVETTUPALATHINGAL HOUSE,**
**P.O.CHERUKODE, (VIA) VALLAPUZHA,**
**OTTAPALAM TALUK, PALAKKAD DISTRICT.**

**BY ADV.SRI.R.RAJESH KORMATH,**
**SMT.MEENA.A,**
**SMT.SANJANA R.NAIR,**
**SRI.JAYKAR.K.S.,**
**SRI.RAHUL VARMA.**

**RESPONDENTS:**
**----------**

1. **THE DEPUTY DIRECTOR OF PANCHAYATS,**
   **PALAKKAD.**

2. **SECRETARY, NELLAYA GRAMA PANCHAYAT,**
   **P.O.NELLAYA OTTAPALAM TALUK, PALAKKAD DISTRICT.**

3. **KASIM S/O. ABDULLA HAJI, KUNNATH HOUSE,**
   **P.O.CHARUKODE, (VIA) VALLAPUZHA,**
   **OTTAPALAM TALUK, PALAKKAD DISTRICT.**

4. **N.MOIDUTTY S/O. ALAVI, NECHIYIL HOUSE,**
   **KUNNAKKAVU, ELAMKULAM, MALAPPURAM DISTRICT.**

**BY ADV. SRI.T.KRISHNAN UNNI FOR R3 & R4,**
**GOVERNMENT PLEADER SMT. SUDHA DEVI FOR R1.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**W.P.(C). NO.118/2004:**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P.1: COPY OF THE BUILDING TAX RECEIPT DTD. 15/11/1999 ISSUED BY THE NELLAYA GRAMA PANCHAYAT TO THE PETITIONER.**

**EXT.P.2: COPY OF THE BUILDING TAX RECEIPT DTD. 07/01/2003 ISSUED BY THE NELLAYA GRAMA PANCHAYAT TO THE PETITIONER.**

**EXT.P.3: COPY OF THE OWNERSHIP CERTIFICATE DTD. 15/11/99 ISSUED BY THE SECRETARY, NELLAYA GRAMA PANCHAYAT TO THE PETITIONER.**

**EXT.P.4: COPY OF THE PETITION DTD. 11/08/2003 JOINTLY FILED BY THE 4TH AND 3RD RESPONDENTS BEFORE THE R.2.**

**EXT.P.5: COPY OF THE PETITION DTD. 15/09/2003 FILED BY THE RESPONDENTS 3 AND 4 BEFORE THE R.1.**

**EXT.P.6: COPY OF THE PLAINT DTD. 26/10/2003 IN O.S. 419/2003, MUNSIFF'S COURT, OTTAPALAM, BY THE R.4. AGAINST THE PETITIONER AND ANOTHER.**

**EXT.P.7: COPY OF THE ORDER DTD. 20/10/2003 ISSUED BY THE R.1.**

**EXT.P.8: COPY OF THE REPRESENTATION DTD. 09/11/2003 SUBMITTED BY THE PETITIONER TO THE R.1.**

**RESPONDENT'S EXHIBITS: NIL.**

**//TRUE COPY//**

**prv.**

**KURIAN JOSEPH J.**

**----------**

**W.P.(C) No.118 of 2004**

**----------**

**Dated 9th August, 2007.**

**J U D G M E N T**

Petitioner is aggrieved by Ext.P7 order passed by the Deputy Director of Panchayats. As per the said order, the Deputy Director has issued a direction to change the ownership of the building in favour of the 4th respondent. According to the petitioner, no notice was issued to him. It is also submitted that the 4th respondent approached the Deputy Director complaining of the inaction on the part of the Secretary of the Panchayats in taking a decision on Ext.P4. The Deputy Director could have directed the Secretary to take a decision on Ext.P4 expeditiously; instead the very issue has been decided by the Deputy Director without any jurisdiction, it is further submitted. I find force in the contentions. Since Ext.P4 is pending before the Secretary of the Grama Panchayat, it is only appropriate that the second respondent considers the issue with notice to the petitioner and respondents 3 and 4 and passes appropriate orders. I quash Ext.P7 with a direction to the second respondent to consider Ext.P4 and pass appropriate orders thereon in accordance with

law with notice to the parties, expeditiously.

The writ petition is disposed of as above.

**KURIAN JOSEPH, JUDGE.**

**tgs**